

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
HARRY KARTEN,	:	
	:	
Plaintiff,	:	
	:	22 Civ. 3200 (LGS)
-against-	:	
	:	<u>ORDER</u>
PNC BANK, NATIONAL ASSOCIATION,	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff Harry Karten brought this action against Defendants PNC Bank, National Association (“PNC”) and Isaac Udotong;

WHEREAS, PNC filed an interpleader complaint asserting a counterclaim against Karten, a cross-claim against Udotong and a third-party claim against Estrella Ramson Enterprises, LLC (“ERE”);

WHEREAS, PNC’s motion to deposit the interpleader funds into the Court’s Registry and for dismissal from the case and discharge from liability was granted (Dkt. No. 63);

WHEREAS, ERE has been served with process, failed to appear to answer and by its default has forfeited any claim to the funds at issue, *see N.Y. Life Ins. Co. v. Conn. Dev. Auth.*, 700 F.2d 91, 94-95 (2d Cir. 1983); *accord Bank of Am., N.A. v. Morgan Stanley & Co. Inc.*, No. 10 Civ. 6322, 2011 WL 2581765, at *4 (S.D.N.Y. June 24, 2011);

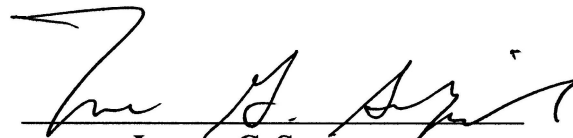
WHEREAS, by stipulation dated March 10, 2023, Karten dismissed all claims against Udotong, and Udotong dismissed all potential claims to the interpleader funds;

WHEREAS, on March 17, 2023, Karten's motion to disbursement of the interpleader funds was GRANTED, and on April 13, 2023, the funds were disbursed to Karten. It is hereby

ORDERED that all remaining claims in this action are dismissed.

The Clerk of Court is respectfully directed to close the case.

Dated: April 20, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Lorna G. Schofield', written over a horizontal line.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE